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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/914,229

Confirmation No.: 2007

In re Application of:

Toshihiko KAJI

Group Art Unit: 2655

Filed: August 24, 2001

Examiner: Jorge L. Ortiz Criado

For: OPTICAL DISK DEVICE AND TRACK  
HOLD CONTROL METHOD THEREOF

CONFIRMATION OF TELEPHONE ELECTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Examiner in charge of the above-identified application telephoned applicant's representatives on January 18, 2005, to communicate a Restriction Requirement under 35 U.S.C. §121 among Group I, claim 3 and Group II, claims 4, 5, 10 and 11.

In response to that requirement, applicant's undersigned representative made a provisional election during a telephone conference with the Examiner on January 21, 2005 to prosecute the invention of Group II (i.e., claims 4, 5, 10 and 11) in this application. Applicant's undersigned representative hereby

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confirms that this provisional election was made with traverse, since no adequate basis therefor has yet been stated in the record.

Search and examination of the entire application can be made without serious burden. See MPEP §803 which states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits." This policy should apply in the present application to avoid unnecessary delay and expense to applicant and unnecessary duplicative examination by the USPTO.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

January 21, 2005  
Date

  
Roger W. Parkhurst  
Registration No. 25,177  
Robert N. Wieland  
Registration No. 40,225

RWP:RNW/mhs

Attorney Docket No.: YMOR:219

PARKHURST & WENDEL, L.L.P.  
1421 Prince Street, Suite 210  
Alexandria, Virginia 22314-2805  
Telephone: (703) 739-0220

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